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SUBJECT: VENEZUELAN NATIONAL ASSEMBLY EYES AGENDA

REF: CARACAS 1817

Classified By: Abelardo A. Arias, Political Counselor,
for Reasons 1.4(b) and (d).

Summary

11. (C) Venezuela's National Assembly (AN) reportedly plans to tackle four controversial bills in its new session that started September 17. The Assembly's pro-Chavez majority will push to pass controversial laws on the media, a national police force, reform of the penal code, and the organization of municipal governments. Selecting Supreme Court justices is likely to come later in the term. The opposition will continue to resist the legislation, though the 86-79 split in favor of the GOV and the Assembly's internal rules make it likely that pro-Chavez legislators will make progress on some of the bills. A trial balloon for 21 constitutional amendments, which included the possibility of indefinite re-election for President Hugo Chavez appears to have withered, but may yet be resurrected. End summary.

New National Assembly Kicks Off

12. (C) Venezuela's National Assembly convened a new session on September 17. Construyendo Pais deputy Leopoldo Martinez told PolCouns September 24 that the pro-GOV majority still has not agreed on its agenda although the legislators have met in three plenary sessions already. Many pro-Chavez deputies, he said, are preoccupied with local wrangling over regional candidacies. Martinez also noted that National Assembly president Francisco Ameliach is otherwise busy with his duties as the Fifth Republic Movement's Secretary General.

13. (C) Despite not having formulated a precise agenda, many deputies believe some of the most controversial bills will get priority attention. Pro-GOV Deputy Hector Vargas (Podemos) told poloff September 22 the GOV's win in the recall referendum has given it momentum to press forward on contentious issues. Causa R deputy Andres Velasquez told poloff September 21 the GOV majority will push four bills:

-- The Law of Social Responsibility in Radio and Television, which would, among other things, impose penalties on private media for offenses against public officials;

-- The Organic Law of the National Police Corps, which would subordinate all state and municipal police forces to the national government;

-- The Organic Law of the Municipal Public Power, which would redefine the autonomy of mayors; and

-- The Law of Reform of the Penal Code Law, which reportedly would penalize certain protests against government officials and place limits on public protests.

14. (C) The AN's coordinating committee met on September 21 to set the session's agenda, but did not reach agreement. Speaking to reporters, Ameliach noted the importance of the Social Responsibility in Radio and Television Law, and mentioned the need to pass bills on housing and workers' severance benefits. Martinez said Ameliach told him that they would schedule discussion of the media law an article at a time, focusing on areas where there was agreement. (Martinez, recalling the strong opposition to the media law, said Ameliach had no answer when he was asked which those might be.) National Assembly Vice President Ricardo Gutierrez (Podemos) said many of the priority bills will require action in committee before the plenary can consider them. Gutierrez noted progress in getting the Penal Code Reform Law reported out of the Internal Policy Committee.

New Supreme Court Judges Still Pending

15. (C) After the passage of the Supreme Court (TSJ) law in May (ref), the National Assembly must now select the 12 new

judges created by the law. Vargas told poloff the GOV is in no hurry to name the judges and will likely wait until after the October 31 regional elections. (Note: National Electoral Council (CNE) President Francisco Carrasquero, who will oversee the regional elections, is a candidate for one of the new seats on the bench.) Ameliach asserted that naming the judges is a priority for the Assembly. Martinez told Polcouns September 24 that fellow legislator Pedro Carreno (MVR) had polled other deputies to measure willingness to participate in the process of the naming of the judges. Martinez said he and (unspecified) others had rejected the overture.

21 Constitutional Amendments: No One Salutes

16. (U) MVR Deputy Luis Velasquez Alvaray floated a proposal for 21 constitutional amendments on the first day of session, apparently responding to President Hugo Chavez's call on August 23 for fine-tuning of the 1999 Bolivarian Constitution. Among other things, Velasquez proposed to eliminate the prohibition against the president running for re-election more than once, arguing that only "the people" are sovereign to decide whether a leader may stand again for election. Velasquez also proposed raising the threshold for signatures needed to initiate recall referenda, from 20 to 30 percent of the electoral registry.

17. (C) Reaction to the proposal was universally negative. The opposition claimed it was evidence that Chavez wanted to impose an electorally-based dictatorship. Pro-GOV deputies reacted just as harshly, publicly characterizing the proposal as unauthorized. MVR Deputy Luis Tascon told poloff September 21 the proposal was an attempt to curry favor with Chavez, but instead had a destabilizing effect. Vargas told poloff if he were in the opposition, he would call for the deputy's resignation, noting that Velasquez is also a candidate for a TSJ seat but had showed his bias on a critical constitutional issue. Chavez himself denounced the proposal on September 19, claiming he had not been consulted and has no plans to perpetuate himself in office. Velasquez withdrew the amendments, which he admitted were "politically inopportune," but asserted he had received assurances from Ameliach the Assembly would deal with constitutional amendments in 2005.

Comment

18. (C) The National Assembly will probably continue to be complicated as it has been over the past year, principally due to polarization between the pro-GOV majority and the opposition. The last important piece of legislation passed, the TSJ Law, required a change to internal rules -- six in four years -- and absurd legislative smithing before it could be approved. If Chavez insists on passage of one of the contentious bills, as he did with the TSJ law, the Chavistas may again resort to parliamentary ramrod tactics. They will, however, continue to be plagued by their own inefficiencies and perhaps even dissent in the case of the media law. As such, the pro-Chavez legislators may make some progress in approving the bills, but easy approval will elude them. Velasquez Alvaray's constitutional amendments could have been a rogue operation (or secretly endorsed by Chavez), but the Chavistas' complaints dealt more with timing rather than substance. It could foreshadow an attempt next year, after National Assembly elections in which the GOV is hoping to gain more seats, to amend the constitution to give Chavez the chance of another term beyond 2013.

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